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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,011	01/23/2006	Gilles Dumortier	0579-1105	5760
<small>465</small> YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			<small>7590</small> EXAMINER PAN, YUWEN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 04/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,011

Applicant(s)

DUMORTIER, GILLES

Examiner

YUWEN PAN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 6, 8-14, 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10, 15-18, 21 and 24, 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 02/12/08 have been fully considered but they are not persuasive. The applicant argues that prior art of record does not teaches a command and response protocol because there is nothing that the office action cites that enables the command response protocol as defined in the application. The examiner respectfully disagrees. Based on the plain meaning of command-response protocol, the examiner interprets it as two way communication protocol such as cellular communication system in which is defined as a primary communication protocol between a base station and a mobile terminal (see figure 1 and items 12 and 20). The applicant further argues that Gorday reference does not teach store a list of electronic entities in the communication management means. The examiner respectfully disagrees because Gorday teaches a user A device (see figure 1 item 29) stores a list of available partners within user A's secondary protocol range (a wireless technology) to increase diversity gain (see column 4 and lines 46-column 5 and lines 15). Based on foregoing reasoning, the previous rejection stands.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 7, 10, 15, 16-18, 21, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorday et al (US006665521B1), hereinafter Gorday.

Per claim 1, Gorday discloses a method of communicating between at least two electronic entities (see figure 1 and item 20), said method involving communication management means (item 10) that employ a command response protocol (primary communication protocol, column 1 and line 15-20) to communicate with said electronic entities, and said method being characterized in that at least one of said electronic entities communicates with said communication management means using a wireless technology (ReFLEX) and in that it includes a step consisting in storing a list of said electronic entities in the communication management means (see column 2 and lines 4-20), it is inherent that the base station keep a list of wireless device within the service network under cellular network.

Per claim 2, Gorday further teaches that said electronic entities constitute a network of acquaintances (see column 2 and lines 40-45, partners).

Per claim 4, Gorday further teaches that each of said at least two electronic entities is associated with a unique identifier (address of each cooperative partner, see figure 3 and item 308).

Per claim 5, Gorday further teaches that each identifier is associated with a service or family code (cooperative diversity network, column 2 and lines 40-50).

Per claim 7, Gorday further teaches that said list includes a new electronic entity, it includes a step of adding the new electronic entity to said network of acquaintances and a function of at least one predetermined criterion (see column 2 and lines 60-column 3 and line 28).

Per claim 10, Gorday further teaches that it involves at least three electronic entities and in that said communication management means are combined with one of said electronic entities (see figure 1, items 12 and 29).

Per claim 15, Gorday further teaches that at least one of said at least two electronic entities is portable (see figure 1 and item 21 and 29).

Per claim 16, Gorday further teaches that at least one of said at least two electronic entities communicates with the communication management means using a contactless technology (see column 1 and lines 15-20, ReFLEX).

Per claims 17 and 18, Gorday further teaches GSM in which inherently use SIM card as microcircuit card for secure purpose (see column 1 and lines 18).

Per claim 21, Gorday further teaches that it ensures continuity of communication involving one of said electronic entities and antenna from a plurality of antennas connected to the communication management means when said electronic entity moves in such a manner that

said communication involves another antenna from said plurality of antennas (see column 3 and lines 51-column 4 and lines 29, diversity in which utilize any partner's antenna to receive same information to improve the source's gain).

Per claim 24, Gorday further teaches that the object communicates with said plurality of stations using a contact less technology (see column 2 and lines 20-25, Bluetooth).

Per claim 25, Gorday discloses a communication system (see figure 1 and item 20): at least two electronic entities (see items 20s); a communication management unit that employs a command response protocol to communication with said at least two electronic entities, said management communication unit having stored therein a list of said electronic entities wirelessly communication with the said communication management unit (see column 4 and lines 46-column 5 and lines 15), wherein the at least one of said electronic entities (partner 4) communication with said communication management unit using a wireless technology (secondary protocol).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday in view of Ghirnkar et al (US006216001B1).

Gorday does not expressly teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means. Ghirnikar teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means (see column 4 and lines 16-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ghirnikar with Gorday's system to preserve the quality of service.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUWEN PAN whose telephone number is (571)272-7855. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yuwen Pan
/Yuwen Pan/
Art Unit 2618
April 23, 2008

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618